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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,837	01/13/2004	Paul H. Wierenga	AJGC121761	1417
26389	7590	07/27/2007		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER NGUYEN, DINH Q	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 07/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/756,837

Applicant(s)

WIERENGA ET AL.

Examiner

Dinh Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25, 40, 44-48 and 52-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25, 40, 44-48 and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Vladimir Zakhmatov (WO 94/06515).

Zakhmatov discloses a fire extinguisher comprising: a tank 7a, a gas generator breech 7b/13/14/15 with a hermetically sealed gas generator cartridge 7b within the gas generator breech.

3. Claims 1, 2, 14-20, 40, 52-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Scholz.

Scholz discloses a fire extinguisher comprising: a tank 1, a gas generator breech 11 with a hermetically sealed gas generator cartridge 5 within the gas generator breech 11 (see figures 1 and 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zakhmatov or Scholz in view of Stewart et al.

Zakhmatov or Scholz teaches all the limitations of the claims except for a hydrofluorocarbon fire suppressant. However, Stewart et al. discloses a fire extinguisher with a hydrofluorocarbon fire-extinguishing composition (column 3, lines 54). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Zakhmatov or Scholz with a hydrofluorocarbon fire suppressant as suggested by Stewart. Doing so would provide an effective way to fight fire.

With respect to claims 4-6, to have 1,1,1,2,3,3,3-heptafluoropropane, or water, or water with potassium acetate and surfactant as a fire suppressant would have been an obvious matter of design choice to a person of ordinary skill in the art, since Applicant has not disclosed that 1,1,1,2,3,3,3-heptafluoropropane, or water, or water with potassium acetate and surfactant provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either hydrofluorocarbon or 1,1,1,2,3,3,3-heptafluoropropane, or water, or water with potassium acetate and surfactant because they both provide fire suppressant for fire fighting.

6. Claims 10-12, 21, 22, 24, 25, 44, 45, 47, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zakhmatov or Scholz.

Zakhmatov or Scholz discloses all the limitations of the claims except for gas generator container being made of steel, food can, or soda pop can. At the time the

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invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the device of Zakhmatov or Scholz with the gas generator housing being made of either steel, food can, or soda pop can, because Applicant has not disclosed that steel, food can, or soda pop can container provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either type of container materials because the materials serve effectively as container for the gas generator. Therefore, it would have been an obvious matter of design choice to modify the device of Zakhmatov or Scholz to obtain the invention as specified in claims 10-12, 24, 25, 44, 45, 47, and 48.

With respect to claims 21, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the device of Zakhmatov or Scholz with the burst pressure for the gas generator in the range of 500-4000 psig, because Applicant has not disclosed that to have a bursting range of 500-4000 psig provides an advantage, is used for a particular purpose, or solves a stated problem.

With respect to claims 22, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the device of Zakhmatov or Scholz with the gas generator that does not have a burst shim or a release poppet, because Applicant has not disclosed that the gas generator without a burst shim or a release poppet provides an advantage, is used for a particular purpose, or solves a stated problem.

7. Claims 7-9, 13, 23, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zakhmatov or Scholz. in view of Galbraith et al.

Zakhmatov or Scholz teaches all the limitations of the claims except for an aluminum gas generator cartridge. However, Galbraith discloses an aluminum gas generator cartridge 36. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Parkinson with an aluminum gas generator cartridge as suggested by Galbraith. Doing so would provide an effective fire extinguisher.

Response to Arguments

8. Applicant's arguments filed 3/09/05 have been fully considered but they are not persuasive.

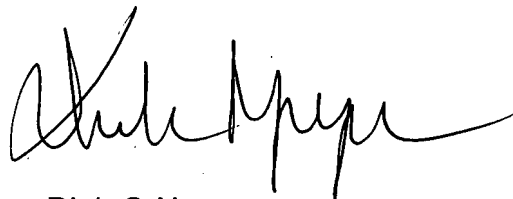
9. Applicant's arguments with respect to claims 1-25, 40, 44-48, 52-54 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Dinh Q Nguyen', is positioned above the printed name and title.

Dinh Q Nguyen
Primary Examiner
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dqn